

AMENDED IN ASSEMBLY JUNE 27, 2003

**SENATE BILL**

**No. 642**

**Introduced by Senator Hollingsworth**

February 21, 2003

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An act to amend Section 485 of the Food and Agricultural Code, relating to quarantines.

LEGISLATIVE COUNSEL'S DIGEST

SB 642, as amended, Hollingsworth. Pest control.

Existing law provides for the control and eradication of pests by the use of various methods. Existing law allows the Secretary of Food and Agriculture to enter into cooperative agreements with private and specified state and federal entities for various purposes that promote and enhance agriculture. Existing law provides that grant awards shall be made by the Department of Food and Agriculture, as specified, and that the procedures, forms, and guidelines for grant programs are exempt from procedural requirements applied to the adoption of rules and regulations.

This bill would require, if the secretary expends funds or awards grants for the study of ~~commodity treatment, as defined, and processing~~ protocols for crops to meet standards for transport out of a quarantine area, that ~~priority~~ *primary consideration* be given to crops that are most at risk from the imposition of a quarantine and for which ~~treatment~~ protocols do not currently exist, as long as the application otherwise meets reasonable scientific standards. The bill would authorize the department to consult with individuals or representatives of the agriculture industry, and academic or scientific individuals, or organizations to establish criteria and assist in the recommendation of any expenditure of funds or the award of grants.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 485 of the Food and Agricultural Code  
2 is amended to read:
- 3 485. (a) The secretary may enter into cooperative agreements  
4 with private entities, and with boards, bureaus, commissions, or  
5 departments of this state or of the United States, for the purpose  
6 of administering compensation, conservation, disaster assistance,  
7 economic assistance, education, environmental enhancement,  
8 indemnification, market promotion, research, and similar  
9 programs that promote and enhance agriculture.
- 10 (b) Upon appropriation by the Legislature, the secretary may  
11 receive and expend federal funds and any nonstate matching funds  
12 made available to the department for the purposes specified above  
13 via grant, interagency agreement, or otherwise, and these funds  
14 shall be administered in accordance with Section 221.
- 15 (c) (1) Grant awards shall be made by the department on a  
16 competitive basis established by the department wherever  
17 possible.
- 18 (2) Any grant awarded on an alternative basis that is not  
19 competitive shall comply with all applicable state requirements,  
20 orders, and guidelines.
- 21 (3) Decisions of the secretary relating to the award of grants  
22 shall be final.
- 23 (d) Procedures, forms, and guidelines established for these  
24 grant programs, including the application process, are exempt  
25 from Chapter 3.5 (commencing with Section 11340) of Part 1 of  
26 Division 3 of Title 2 of the Government Code.
- 27 (e) If the secretary expends funds or awards grants for the study  
28 of ~~commodity treatment and processing~~ protocols for crops to  
29 meet standards for transport out of a quarantine area, the following  
30 shall apply:
- 31 (1) ~~Priority~~ *Primary consideration* shall be given to crops that  
32 are most at risk from the imposition of a quarantine and for which  
33 ~~treatment~~ protocols do not currently exist, as long as the  
34 application otherwise meets reasonable scientific standards.



1 (2) The department may consult with individuals or  
2 representatives of the agriculture industry, and academic or  
3 scientific individuals, or organizations to establish criteria and  
4 assist in the recommendation of any expenditure of funds or the  
5 award of grants.

6 ~~(3) For purposes of this subdivision “commodity treatment”~~  
7 ~~means any form of treatment applied to plants, plant products, and~~  
8 ~~other materials capable of harboring plant pests, for the purpose of~~  
9 ~~destroying or eliminating any infection or infestation caused by~~  
10 ~~plant pests.~~

